

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

ADMINISTRATIVE ORDER NO. 94-12

Pursuant to 8-2-39(e) and 8-2-11.1(d) of the General Laws of Rhode Island, as amended, the following procedure is adopted by the Superior Court.

PROCEEDINGS ON APPEAL FROM MASTER

- (a) APPLICABILITY. This order shall govern the proceedings on appeal from any Master of the Superior Court.
- (b) APPEAL - HOW TAKEN. An appeal shall be taken by filing a notice of appeal in the Superior Court Clerk's Office for the county in which the cause before the Master was heard. No filing fee shall be required. The party or parties taking the appeal shall order and pay for a transcript of the proceedings thereon.
- (c) COMMENTS OF NOTICE OF APPEAL. The notice of appeal shall specify the party or parties taking the appeal and shall designate the judgment, order or decree or part thereof appealed from and the basis for the appeal.
- (d) SERVICE OF THE NOTICE OF APPEAL. The Clerk of the Superior Court shall serve notice of the filing of a notice of appeal by making a copy thereof to counsel of record of each party other than the appellant. The Clerk of the Superior Court shall note on each copy served the date on which the notice of appeal was filed.
- (e) APPEAL - WHEN TAKEN. The notice of appeal required shall be filed within twenty (20) days of the date of the entry of the judgment, order or decree appealed from.
- (f) RECORD ON APPEAL. The original papers and exhibits filed with the clerk of the Superior Court, the transcript of the proceedings, and the docket entries shall constitute the record on appeal.
- (g) ASSIGNMENT. The Superior Court justice assigned to the Formal and Special Cause Calendar in Providence County or the Superior Court justice assigned to the civil calendar in the counties of Kent, Newport, or Washington shall assign the matter for hearing within sixty (60) days after the appellant files the required transcript with the clerk of the court. If the transcript is not filed within sixty (60) days of the entry of the judgment, order or decree, except for good cause shown, the appeal shall be dismissed.

- (h) REVIEW. The Superior Court justice shall make a de novo determination of those portions to which the appeal is directed and may accept, reject or modify, in whole or in part, the judgment, order or decree of the Master. The justice, however, need not formally conduct a new hearing and may consider the record developed before the Master, making his or her own determination based on that record whether there is competent evidence upon which the Master's judgment, order or decree rests. The justice may also receive further evidence, recall witnesses or recommit the matter to the Master with instructions.

This ORDER is to take effect the 1st day of July 1994.

BY ORDER OF

JOSEPH F. RODERS, JR.
PRESIDING JUSTICE

DATED: JUNE 22, 1994